

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>NO.: 1:01-CR-018</b>
	:	
<b>GEOVANI DAVILA</b>	:	<b>JUDGE RAMBO</b>

**DEFENDANT'S MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE TO UNITED STATES' BRIEF IN OPPOSITION  
TO PETITIONER'S MOTION TO VACATE AND TO CONTINUE  
THE EVIDENTIARY HEARING SCHEDULED FOR OCTOBER 20, 2005**

**AND NOW** comes the Defendant, Geovani Davila, by and through his court-appointed counsel, Dennis E. Boyle, Esquire, and respectfully requests that this Court grant an extension within which to file a response to the Government's Brief in Opposition and to continue the evidentiary hearing currently scheduled for October 20, 2005, and in support thereof avers as follows:

1. Undersigned counsel received the Government's Brief in Opposition to the Defendant's Motion to Vacate, Set Aside or Correct Sentence on or about September 20, 2005.

2. Pursuant to this Court's Order dated August 16, 2005, Defendant's response to the Government's Brief is due on or before October 5, 2005.

3. Mr. Davila is currently incarcerated at FCI Gilmer, located in Glenville, West Virginia.

4. Due to the office schedule and the distance upon which undersigned counsel was required to travel in order to meet with Mr. Davila, undersigned counsel was unable to meet with Mr. Davila until September 28, 2005.

5. Mr. Davila has identified witnesses and requested undersigned counsel to secure documents which Defendant believes will support his position.

6. Undersigned counsel required additional time within which to research and investigate the issues raised by the Defendant in his Petition.

7. No party will be prejudiced by a thirty (30) day extension within which to file a response to the Government Brief in Opposition.

8. Gordon A.D. Zubrod, Esquire, Assistant United States Attorney, has been advised of this request for an extension of time and has no objection.

**WHEREFORE**, undersigned counsel respectfully requests this Court grant an extension of time until November 5, 2005, to file the Defendant's response to the Government's Brief in Opposition to the Petitioner's Motion to Vacate, Set Aside or Correct Sentence and to continue the evidentiary hearing currently scheduled for October 20, 2005.

*/s/ Dennis E. Boyle*

---

**Dennis E. Boyle, Esquire**

Supreme Court I.D. No. 49618

1525 Cedar Cliff Drive

Camp Hill, PA 17101

Telephone: (717) 737-2430

Facsimile: (717) 737-2452

Email: [deboyle@verizon.net](mailto:deboyle@verizon.net)

Counsel For: Defendant

Dated: September 30, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on the date listed below I electronically filed the foregoing with the Court using the CM/ECF system, which sent notification of such filing to the following person(s) at the following email address(es):

Gordon A.D. Zubrod, Esquire  
U.S. Attorney's Office  
[gordon.zubrod@usdoj.gov](mailto:gordon.zubrod@usdoj.gov)

/s/ Penny A. Rogers

Penny A. Rogers, Paralegal

Dated: September 30, 2005